

Epic says Apple 'has no rights to the fruits of Epic's labor' in latest filing

Epic Games fired back against Apple yet again in a new court filing, saying the iPhone maker “has no rights to the fruits of Epic’s labor,” the latest salvo in the ongoing battle between the two companies.

A quick recap: Back in August, Epic introduced a new direct-payment system in its wildly popular *Fortnite* game to bypass Apple’s 30 percent fee. Apple kicked *Fortnite* off the App Store for breaking its rules, and Epic responded with a civil lawsuit against Apple, alleging that Apple was violating antitrust law. Epic also revealed that Apple threatened to terminate the developer account used to support the company’s Unreal Engine platform, which would prevent Epic from developing future games for iOS or Mac.

Earlier this month, US District Judge Yvonne Gonzalez Rogers granted an injunction that prevents Apple from retaliating against Unreal Engine, but refused to grant an injunction that would have restored *Fortnite* in Apple’s App Store.

Meanwhile, Apple said it would seek damages against Epic for allegedly breaching its contract with the iOS App Store. The filing included counterclaims for unjust enrichment and tortious interference with Apple’s relationship with its customers.

Apple maintains that there were legitimate business reasons

for its actions. "At all times, [Apple's] conduct was reasonable and ... its actions were undertaken in good faith to advance legitimate business interests and had the effect of promoting, encouraging, and increasing competition," the complaint read. "Epic's flagrant disregard for its contractual commitments and other misconduct has caused significant harm to Apple."

But in Friday's filing, Epic said its actions "are a far cry from the tortious—even purportedly criminal—conduct that Apple's Opposition depicts. Simply put, Epic did not "steal" anything that belonged to Apple." The company couldn't "steal" proceeds from the sales of its own creative efforts, and did not "interfere with any prospective economic advantage Apple sought to gain from Fortnite users separate and apart from their interest in Fortnite," the filing states.

"Apple's repeated assertions of theft boil down to the extraordinary assertion that Epic's collection of payments by players of Epic's game to enjoy the work of Epic's artists, designers, and engineers is the taking of something that belongs to Apple," Epic said in its filing.

Rogers said the case should go to a jury to decide and suggesting a trial frame of summer 2021. "It is important enough to understand what real people think," she said. "Do these security issues concern people or not?"

Apple did not immediately respond to a request for comment Saturday.

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